



Board of Barbers & Hairdressers Meeting

Alaska Division of Corporations, Business and Professional Licensing
June 15, 2023 at 9:00 AM AKST to June 15, 2023 at 1:00 PM AKST
Videoconference Meeting

ZOOM Meeting Info:

<https://us02web.zoom.us/j/87482854620?pwd=QkxUMFhkNndneEcwQWwrVkrGTmhTQT09>

Meeting ID: 874 8285 4620

Passcode: 291003

OR Call In: 1-253-205-0468

TENTATIVE MEETING AGENDA

Working Groups May Occur

Agenda:

1. 9:00 a.m. June 15, 2023 Call to Order/Roll Call
2. 9:05 a.m. Review/Amend Agenda
3. 9:10 a.m. Ethics Disclosure
4. 9:15 a.m. **New Business**
 - A. Scope of Practice Discussion – AS 08.13.220
 - i. Define Tattoo Removal
 - ii. Barbering
 - iii. Body Piercing
 - iv. Esthetics
 - v. Hair Braiding
 - vi. Hairdressing
 - vii. Limited Esthetics
 - viii. Manicuring
 - ix. Non-Chemical Barbering
 - x. Permanent Cosmetic Coloring
 - xi. Tattooing
 - B. Discuss Creation of New License Type, Advanced Esthetician
 - C. Create New Regulation Project(s)
 - D. Proposed Regulation Projects – Update - 12 AAC 09.002, 09.005, 09.010, 09.075, 02.140, 12 AAC 09.004, 12 AAC 09.185, 12 AAC 09.190, 12 AAC 09.002(j) and 12 AAC 09.106(d),
5. 12:00 p.m. **Administrative Business**
 - A. Approve FY23 Annual Report
6. 1:00 p.m. **Adjourn**

State of Alaska Department of Law

Ethics Information for Members of Boards & Commissions (AS 39.52)

Introduction

This is an introduction to AS 39.52, the Alaska Executive Branch Ethics Act. This guide is not a substitute for reading the law and its regulations. State board and commission members who have further questions should contact their board chair or staff.

The Ethics Act applies to all current and former executive branch public employees and members of statutorily created boards and commissions.

Scope of Ethics Act (AS 39.52.110)

Service on a state board or commission is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, board or commission members, and their immediate family, may not improperly benefit, financially or personally, from their actions as board or commission members. The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable.

Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, board members may not:

- use their official positions to secure employment or contracts;
- accept compensation from anyone other than the State for performing official duties;
- use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
- take or withhold official action on a matter in which they have a personal or financial interest; or
- coerce subordinates for their personal or financial benefit.
- attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business competitor. Instead of publicly disclosing the matter and requesting recusal, Terry voted on the proposal.



Board member Mick has board staff employee Bob type an article for him that Mick hopes to sell to an Alaskan magazine. Bob types the article on State time.

Improper Gifts (AS 39.52.130)

A board member may not solicit or accept gifts if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists are presumed to be improper, unless the giver is immediate family of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's immediate family must be reported within 30 days if:

- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board.

The receipt of a gift worth less than \$150 may be prohibited if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board member will be advised as to the disposition of this gift.

A form for reporting gifts is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.



The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.



Jody receives a holiday gift every year from Sam. Jody was recently appointed to a state board, but Sam has no business that is before the board. Jody may accept the gift.

Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board may use or disclose any information acquired from participation on the board if that use or disclosure could result in a financial or personal benefit to the board member (or immediate family), unless that information has already been disseminated to the public. Board members are also prohibited from disclosing confidential information, unless authorized to do so.



Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.



Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the medical board, she discloses this role to the board and continues to advise the doctors in her clinic.



Jim reviews a confidential investigation report in a licensing matter. He discusses the practitioner's violation with a colleague who is not a board member.

Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)

A board member, or immediate family, may not apply for, or have an interest in a State grant, contract, lease, or loan, if the board awards or takes action to administer the State grant, contract, lease, or loan.

A board member (or immediate family) may apply for or be a party to a competitively solicited State grant, contract or lease, if the board as a body does not award or administer the grant, contract, or lease and so long as the board member does not take official action regarding the grant, contract, or lease.

A board member (or immediate family) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the loan's award or administration.

Board members must report to the board chair any personal or financial interest (or that of immediate family) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.



John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years so he figures that it doesn't matter when her grant application comes up before the board.



The board wants to contract out for an analysis of the board's decisions over the last ten years. Board member Kim would like the contract since she has been on the board for ten years and feels she could do a good job.

Improper Representation (AS 39.52.160)

A board or commission member may not represent, advise, or assist a person in matters pending before the board or commission for compensation. A nonsalaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refraining from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act.



Susan sits on the licensing board for her own profession. She will represent herself and her business partner in a licensing matter. She discloses this situation to the board and refrains from participation in the board's discussions and determinations regarding the matter.

Restriction on Employment After Leaving State Service (AS 39.52.180)

For two years after leaving a board, a former board member may not provide advice or work for compensation on any matter in which the former member personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, legislative bills, regulations, and similar matters. This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive the above prohibition if a determination is made that the public interest is not jeopardized.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.



The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.



Andy takes the job, but specifies that he will have to work on another project.

Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate the Ethics Act is prohibited.

Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

Disclosure Procedures

DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS (AS 39.52.220)

A board member whose interests or activities could result in a violation of the Ethics Act if the member participates in board action must disclose the matter on the public record and in writing to the board chair who determines whether a violation exists. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff. If another board member objects to the chair's ruling or if the chair discloses a potential conflict, the board members at the meeting (excluding the involved member) vote on the matter. If the chair or the board determines a violation will occur, the member must refrain from deliberating, voting, or participating in the matter. For more information, see Ethics Act Procedures for Boards and Commissions available at the above noted web site.

When determining whether a board member's involvement in a matter may violate the Ethics Act, either the chair or the board or commission itself may request guidance from the Attorney General.

ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)

A board chair or a board itself may request a written advisory opinion from the Attorney General interpreting the Ethics Act. A former board member may also request a written advice from the Attorney General. These opinions are confidential. Versions of opinions without identifying information may be made available to the public.

REPORTS BY THIRD PARTIES (AS 39.52.230)

A third party may report a suspected violation of the Ethics Act by a board member in writing and under oath to the chair of a board or commission. The chair will give a copy to the board member and to the Attorney General and review the report to determine whether a violation may or does exist. If the chair determines a violation exists, the board member will be asked to refrain from deliberating, voting, or participating in the matter.

Complaints, Hearings, and Enforcement

COMPLAINTS (AS 39.52.310-330)

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints based on information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal. The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred or recommend corrective action. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. Complaints or accusations may also be resolved by settlement with the subject.

CONFIDENTIALITY (AS 39.52.340)

Complaints and investigations prior to formal proceedings are confidential. If the Attorney General finds evidence of probable criminal activity, the appropriate law enforcement agency shall be notified.

HEARINGS (AS 39.52.350-360)

An accusation by the Attorney General of an alleged violation may result in a hearing. An administrative law judge from the state's Office of Administrative Hearings serves as hearing officer and determines the time, place and other matters. The parties to the proceeding are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days after the hearing, the hearing officer files a report with the Personnel Board and provides a copy to the parties.

PERSONNEL BOARD ACTION (AS 39.52.370)

The Personnel Board reviews the hearing officer's report and is responsible for determining whether a violation occurred and for imposing penalties. An appeal may be filed by the board member in the Superior Court.

PENALTIES (AS 39.52.410-460)

When the Personnel Board determines a board member has violated the Ethics Act, it will order the member to refrain from voting, deliberating, or participating in the matter. The Personnel Board may also order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, it will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

State grants, contracts, and leases awarded in violation of the Ethics Act are voidable. Loans given in violation of the Ethics Act may be made immediately payable.

Fees, gifts, or compensation received in violation of the Ethics Act may be recovered by the Attorney General.

The Personnel Board may impose a fine of up to \$5,000 for each violation of the Ethics Act. In addition, a board member may be required to pay up to twice the financial benefit received in violation of the Ethics Act.

Criminal penalties are in addition to the civil penalties listed above.

DEFINITIONS (AS 39.52.960)

Please keep the following definitions in mind:

Benefit - anything that is to a person's advantage regardless financial interest or from which a person hopes to gain in any way.

Board or Commission - a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad Corporation.

Designated Ethics Supervisor - the chair or acting chair of the board or commission for all board or commission members and for executive directors; for staff members, the executive director is the designated ethics supervisor.

Financial Interest - any property, ownership, management, professional, or private interest from which a board or commission member or the board or commission member's immediate family receives or expects to receive a financial benefit. Holding a position in a business, such as officer, director, partner, or employee, also creates a financial interest in a business.

Immediate Family - spouse; another person cohabiting with the person in a conjugal relationship that is not a legal marriage; a child, including a stepchild and an adoptive child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

Official Action - advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer.

Personal Interest - the interest or involvement of a board or commission member (or immediate family) in any organization or political party from which a person or organization receives a benefit.

For further information and disclosure forms, visit our Executive Branch Ethics web site or please contact:

State Ethics Attorney
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501-5903
(907) 269-5100
attorney.general@alaska.gov

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Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
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State of Alaska Department of Law Ethics Act Procedures for Boards & Commissions

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act¹ has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.²

What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.
- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *"Ethics Information for Members of Boards and Commissions."* The executive director and staff should refer to the guide, *"Ethics Information for Public Employees."* Both guides and disclosure forms may be found on the Department of Law's ethics website.

How Do I Avoid Violations of the Ethics Act?

- Make timely disclosures!
- Follow required procedures!
- Provide all information necessary to a correct evaluation of the matter!³
- When in doubt, disclose and seek advice!
- Follow the advice of your DES!

What Are The Disclosure Procedures for Board and Commission Members?

The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act **on the public record and in writing to the chair.**

Disclosure on the public record. Members must identify actual and potential conflicts orally at the board or commission's public meeting **in advance** of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.⁴
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

Disclosure in writing at a public meeting. In addition to an oral disclosure at a board or commission meeting, members' disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved **and** there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

Confidential disclosure in advance of public meeting. Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter. 5
- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.6

Determinations at the public meeting. When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- *Exception:* A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.7

If the chair identifies a potential conflict, the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

Procedures for Other Member Disclosures

A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the Department of Law's ethics website.

What Are The Disclosure Procedures for Executive Directors and Staff?

Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

Notices of Potential Violations. Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

Other Disclosures. The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination the employee.

How Are Third Party Reports of Potential Violations or Complaints Handled?

Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted **in writing** and **under oath**.

- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.⁸
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- **These matters are confidential**, unless the subject waives confidentiality or the matter results in a public accusation.

What Are The Procedures for Quarterly Reports?

Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law Ethics Attorney by e-mail at ethicsreporting@alaska.gov and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

How Does A DES or Board or Commission Get Ethics Advice?

A DES or board or commission may make a **written request** to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides **advice by phone or e-mail** to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

1 The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

2 The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.

3 You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

4 In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

5 The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

6 In this manner, a member's detailed personal and financial information may be protected from public disclosure.

7 When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

8 The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

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Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
 Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
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Ethics Disclosure Form

CONFIDENTIAL REQUEST FOR ETHICS DETERMINATION

TO: _____, Designated Ethics Supervisor

(Identify Your Department, Agency, Public Corporation, Board, Commission)

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- AS 39.52.120, Misuse of Official Position
- AS 39.52.130, Improper Gifts
- AS 39.52.140, Improper Use or Disclosure of Information
- AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- AS 39.52.160, Improper Representation
- AS 39.52.170, Outside Employment Restricted
- AS 39.52.180, Restrictions on Employment after Leaving State Service
- AS 39.52.190, Aiding a Violation Prohibited

I understand that I should refrain from taking any official action relating to this matter until I receive your advice. If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division, Board, Commission)

(Position Title)

(Location)

Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.

Ethics Disclosure Form

Receipt of Gift

TO: _____, Designated Ethics Supervisor, _____
(Agency, Public Corporation, Board, Commission or Council)

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

- 1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?
 Yes No
- 2. Can I take or withhold official action that may affect the person or entity that gave me the gift?
 Yes No

(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)

The gift is _____

Identify gift giver by full name, title, and organization or relationship, if any:

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

My estimate of its value is \$ _____ The date of receipt was _____

The gift was received by a member of my family. Who? _____

If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division)

(Position Title)

(Location)

Ethics Supervisor Determination: Approve Disapproved

Designated Ethics Supervisor*

(Date)

**Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

(f) If a person fails to pay a civil penalty within 30 days after entry of an order under (a) of this section, or if the order is stayed pending an appeal, within 10 days after the court enters a final judgment in favor of the board of an order appealed under (e) of this section, the board shall notify the attorney general. The attorney general may commence a civil action to recover the amount of the penalty.

(g) An action to enforce an order under this section may be combined with an action for an injunction under AS 08.01.087.

ARTICLE 3. GENERAL PROVISIONS.

Section

210. Health and sanitary conditions

215. Notification requirements for tattooing, permanent cosmetic coloring, and body piercing

217. Tattooing and permanent cosmetic coloring or body piercing on a minor

220. Definitions

Sec. 08.13.210. Health and sanitary conditions. (a) Health and sanitary conditions in shops and schools of
(1) barbering, hairdressing, hair braiding, manicuring, and esthetics shall be supervised by the board
(2) tattooing, permanent cosmetic coloring, and body piercing shall be supervised by the Department of Environmental Conservation.

(b) The Department of Environmental Conservation shall conduct an annual inspection of each shop licensed for the practice of tattooing, permanent cosmetic coloring, or body piercing to ensure that the shop meets the department's standards of cleanliness and sanitation established under AS 44.46.020. If the Department of Environmental Conservation determines that the shop is not in compliance with a regulation of the department, the department shall report the violation to the board and take appropriate action under its own regulations.

Sec. 08.13.215. Notification requirements for tattooing, permanent cosmetic coloring, and body piercing. (a) Before performing a tattooing, permanent cosmetic coloring, or body piercing procedure on a client, a practitioner shall give written educational information, approved by the board, to the client.

(b) After completing a tattooing, permanent cosmetic coloring, or body piercing procedure on a client, the practitioner shall give written aftercare instructions, approved by the board, to the client. The written instructions

(1) must include advice to the client to consult a physician at the first sign of infection;

(2) must contain the name, address, and telephone number of the shop where the procedure was performed;

(3) shall be signed and dated by the client and the practitioner; the practitioner shall keep the original and provide a copy to the client.

(c) The owner of a shop for tattooing, permanent cosmetic coloring, or body piercing shall prominently display

(1) a copy of the statement provided by the board under AS 08.13.030(b) that advises the public of the health risks and possible consequences of tattooing, permanent cosmetic coloring, or body piercing, as applicable;

(2) the names, addresses, and telephone numbers of the Department of Commerce, Community, and Economic Development and the Department of Environmental Conservation and a description of how a complaint about the shop or a practitioner in the shop may be filed with either entity or with the board.

Sec. 08.13.217. Tattooing and permanent cosmetic coloring or body piercing on a minor. (a) A person may not practice tattooing or permanent cosmetic coloring on a minor.

(b) A person may not practice body piercing on a minor without prior written permission from the minor's parent or legal guardian and the presence of the parent or legal guardian during the body piercing procedure. The person who performs the body piercing shall keep a copy of the written permission on file for at least three years.

(c) A person who with criminal negligence violates this section is guilty of a class B misdemeanor. In this subsection, "criminal negligence" has the meaning given in AS 11.81.900.

Sec. 08.13.220. Definitions. In this chapter,

(1) "apprentice" means a person who receives on-the-job training under direct supervision;

(2) "barbering" means shaving, trimming, or cutting, styling, curling, permanent waving, bleaching, coloring, cleansing, or chemically straightening the beard or hair of a living person for a fee and for cosmetic purposes;

(3) "board" means the Board of Barbers and Hairdressers;

(4) "body piercing" means puncturing the body of a person by aid of needles or other instruments designed to be used to puncture the body for the purpose of inserting jewelry or other objects in or through the human body, except that, for purposes of this chapter, "body piercing" does not include puncturing the external part of the human ear;

(5) "esthetics" means the use of the hands, appliances, cosmetic preparations, antiseptics, or lotions in massaging, cleansing, stimulating, or similar work on the scalp, face or neck, including skin care, make-up, and temporary removal of superfluous hair, for cosmetic purposes for a fee;

(6) "hair braiding" means braiding natural hair, natural fibers, synthetic fibers, and hair extensions, trimming hair extensions for braiding purposes, and attaching natural and synthetic hair by braiding for cosmetic purposes and for a fee; "hair braiding" does not include styling wigs or making wigs;

- (7) "hairdressing" means performing, for a fee, the following services for cosmetic purposes:
- (A) trimming or cutting the beard of a living person; and
 - (B) arranging, styling, dressing, curling, temporary waving, permanent waving, cutting, singeing, bleaching, coloring, cleansing, conditioning, or similar work on the hair of a living person;
- (8) "instructor" means a person who teaches barbering, hairdressing, manicuring, or esthetics in a school or who supervises an apprentice in barbering, hairdressing, or esthetics;
- (9) "limited esthetics" means to perform for a fee for cosmetic purposes
- (A) temporary removal of superfluous hair on the face or neck, including eyebrow arching by use of wax; or
 - (B) application of makeup or false eyelashes.
- (10) "manicuring"
- (A) means, for a fee, to
 - (i) cut, trim, polish, color, tint, or cleanse a natural or artificial nail;
 - (ii) affix material by artificial means to a natural nail for the addition to or extension of the natural nail;
 - (iii) cleanse, treat, or beautify the hands or feet for cosmetic purposes; or
 - (iv) otherwise treat the nails of the hand or foot except as provided in (B) of this paragraph;
 - (B) notwithstanding (A) of this paragraph, does not include
 - (i) massage treatment; or
 - (ii) cleansing, treating, or beautifying the hands or feet solely for the treatment of disease or physical or mental ailments;
- (11) "non-chemical barbering" means shaving, trimming, cutting, styling, or curling the beard or hair of a living person for a fee and for cosmetic purposes;
- (12) "permanent cosmetic coloring" means tattooing for the purpose of simulating hair or makeup, such as permanent eyeliner, lip color, eyebrows, and eyeshadow;
- (13) "practitioner" means a person licensed to practice barbering, non-chemical barbering, hairdressing, hair braiding, manicuring, esthetics, tattooing, permanent cosmetic coloring, or body piercing under this chapter;
- (14) "shampoo person" means a person who, for a fee and under the supervision of a practitioner of barbering or hairdressing, cleanses or conditions the hair of the human head with products that have no effect other than cleaning or conditioning the hair;
- (15) "shop" is an establishment operated for the purpose of engaging in barbering, hairdressing, hair braiding, manicuring, esthetics, tattooing, permanent cosmetic coloring, or body piercing;
- (16) "tattooing" means the process by which the skin is marked or colored to form indelible marks, figures, or decorative designs for nonmedical purposes by inserting or ingraining an indelible pigment into or onto the skin, microblading, or microneedling.

Chapter 09. Board of Barbers and Hairdressers.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 09.002(b)(4) is repealed:

(4) repealed ____ / ____ / _____ [PAYS THE WRITTEN EXAMINATION FEE ESTABLISHED IN 12 AAC 02.140];

12 AAC 09.002(c)(1) is amended to read:

(1) submits the documents and fees required by (b)(1), (b)(3), [(b)(4),] and (b)(7) of this section;

12 AAC 09.002(d)(1) is amended to read:

(1) submits the documents and fees required by (b)(1), (b)(3), [(b)(4),] and (b)(7) of this section;

12 AAC 09.002(i)(1) is amended to read:

(1) submits the documents and fees required by (b)(1), (b)(3), [(b)(4),] and (b)(7) of this section;

12 AAC 09.002(j)(2) is repealed:

(2) repealed ____ / ____ / _____ [WHO COMPLIES WITH THE REQUIREMENTS OF (i)(2) OF THIS SECTION];

12 AAC 09.002(m)(4) is amended to read:

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(4) repealed ____ / ____ / ____ [PAYS THE WRITTEN EXAMINATION FEES ESTABLISHED IN 12 AAC 02.140];

12 AAC 09.002(o)(1) is amended to read:

(1) submits the documents and fees required by (b)(1), (3), [(4),] and (7) of this section;

12 AAC 09.002(q)(1) is amended to read:

(1) submits the documents and fees required by (b)(1), (3), [(4),] and (7) of this section;

(Eff. 5/10/96, Register 138; am 3/19/99, Register 149; am 7/23/2000, Register 155; am 7/13/2002, Register 163; am 11/27/2002, Register 164; am 12/6/2002, Register 164; am 1/14/2004, Register 169; am 10/14/2006, Register 180; am 12/24/2006, Register 180; am 4/21/2010, Register 194; am 6/8/2016, Register 218; am 6/21/2018, Register 226; am 3/30/2019, Register 229; am 12/6/2020, Register 236; am ____ / ____ / _____, Register _____)

Authority:	AS 08.01.062	AS 08.13.080	AS 08.13.120
	AS 08.13.030	AS 08.13.090	AS 08.13.180
	AS 08.13.070	AS 08.13.100	

12 AAC 09.004(a) is amended to read:

(a) A courtesy license authorizes the licensee to practice body piercing, tattooing, or permanent cosmetic coloring as a guest practitioner in a shop licensed by the board. **An applicant for licensure under this section must have a sponsor who holds a permanent license in this state in the same practice area for which the license is requested** [AN

APPLICANT FOR A COURTESY LICENSE TO PRACTICE BODY PIERCING MUST HAVE A SPONSOR WHO HOLDS A PERMANENT LICENSE TO PRACTICE BODY PIERCING IN THIS STATE. AN APPLICANT FOR A COURTESY LICENSE TO PRACTICE TATTOOING MUST HAVE A SPONSOR WHO HOLDS A PERMANENT LICENSE TO PRACTICE TATTOOING IN THIS STATE. AN APPLICANT FOR A COURTESY LICENSE TO PRACTICE PERMANENT COSMETIC COLORING MUST HAVE A SPONSOR WHO HOLDS A PERMANENT LICENSE TO PRACTICE PERMANENT COSMETIC COLORING IN THIS STATE].

12 AAC 09.004(b) is amended to read:

(b) The board will issue a courtesy license to an applicant who meets the requirements of AS 08.01.062(a) and who, at least **90** [30] days before the applicant plans to begin working, submits

...

12 AAC 09.004(c) is amended to read:

(c) A courtesy license to practice body piercing, tattooing, or permanent cosmetic coloring is valid for 30 consecutive days. A person may not be issued more than **two** [ONE] courtesy **licenses** [LICENSE] in a calendar year.

(Eff. 12/6/2002, Register 164; am 9/24/2014, Register 211; am 3/30/2019, Register 229; am _____/_____/_____, Register _____)

Authority: AS 08.01.062 AS 08.13.030 AS 08.13.070

12 AAC 09.005 is repealed and readopted to read:

12 AAC 09.005. Examination requirements for licensure. (a) An applicant applying for licensure by examination as a barber, non-chemical barber, hairdresser, advanced manicurist, esthetician, practitioner of body piercing, practitioner of tattooing, practitioner of permanent cosmetic coloring, or instructor under this chapter must

(1) submit to the division a completed, notarized application for licensure by examination in the relevant practice area for which the license is requested. The application must be on the form provided by the department and include all verification documents necessary to meet the requirements of AS 08.13.080;

(2) complete the relevant written examination administered by PROV following notification from the department of pre-authorization for examination;

(3) follow the rules and procedures for examination set by PROV; and

(4) pay all applicable fees for the examination directly to PROV as requested and as they become due.

(b) An application for licensure under this section must be complete to be considered for examination eligibility.

(c) An applicant scheduled to take an examination who is unable to appear may postpone the examination by notifying PROV in advance in accordance with the PROV cancellation and rescheduling policy.

(d) An applicant who fails an examination or fails to appear for an examination and who wants to reschedule for a future examination must contact PROV directly to do so and must adhere to the relevant policy and procedures as are set by PROV.

(e) An application is considered abandoned if the applicant has not taken an examination within one year after the date of initial application. (Eff. 11/2/81, Register 80; am 4/18/82, Register 82; am 8/12/87, Register 103; am 9/30/87, Register 103; am 5/20/88, Register 106; am

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10/16/88, Register 108; am 11/28/88, Register 108; am 5/10/96, Register 138; am 7/23/2000, Register 155; am 11/27/2002, Register 164; am 12/28/2008, Register 188; am 6/8/2016, Register 218; am 6/21/2018, Register 226; am 3/30/2019, Register 229; am 12/6/2020, Register 236; am ____/____/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.080

Editor's note: information on the relevant written examinations referred to in 12 AAC 09.005 may be obtained from PROV <https://provexam.com> or by contacting support@provexam.com

12 AAC 09.010 is repealed:

12 AAC 09.010. Examination dates. Repealed [THE DEPARTMENT WILL PUBLISH NOTICE OF THE DATE AND PLACE OF EACH ADMINISTRATION OF THE EXAMINATION AT LEAST 45 DAYS BEFORE THE EXAMINATION.] ____/____/_____. (Eff. 11/2/81, Register 80; am 4/18/82, Register 82; am 9/30/87, Register 103; repealed ____/____/_____, Register _____)

12 AAC 09.075(c) is amended to read:

(c) [AT LEAST 30 DAYS BEFORE THE NEXT SCHEDULED EXAMINATION DATE,] **An** [AN] applicant who fails the written examination three times or more shall provide documentation to the board of successful completion of remedial training before the applicant will be scheduled for reexamination. An applicant applying under this subsection to retake the written examination shall provide documentation to the board of successful completion of at least 50 hours of theoretical training. The applicant shall complete the remedial training in a

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school approved by the board, or an apprenticeship program approved by the board and shall hold a valid student permit during the training as required in AS 08.13.180.

(Eff. 11/2/81, Register 80; am 10/21/82, Register 84; am 5/10/96, Register 138; am 7/23/2000, Register 155; am 12/28/2008, Register 188; am 4/21/2010, Register 194; am 12/6/2020, Register 236; am ____/____/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.090

12 AAC 09.106(d)(3) is repealed:

(3) repealed ____/____/____ [VERIFICATION OF A CURRENT BARBER, HAIRDRESSER, MANICURIST, OR ESTHETICIAN PRACTITIONER LICENSE IN THIS STATE;]

(Eff. 5/20/88, Register 106; am 5/10/96, Register 138; am 7/23/2000, Register 155; am 7/13/2002, Register 163; am 1/17.2008, Register 185; am 9/24/2014, Register 211; am 6/8/2016, Register 218; am 6/21/2018, Register 226; am 12/6/2020, Register 236; am ____/____/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100
AS 08.13.070

12 AAC 09.162(b)(11) is amended to read:

(11) electrical equipment, including the use of all electrical modalities and electrical apparatus, **as required within the scope of the practitioner's license** [INCLUDING DERMAL LIGHTS] for facials and skin-care purposes.

(Eff. 2/28/88, Register 105; am 4/23/98, Register 146; am 7/23/2000, Register 155; am 4/21/2010; am ____/____/_____, Register _____)

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Authority: AS 08.13.030 AS 08.13.110

12 AAC 09.163(a)(2) is amended to read:

(2) electrical, including the use of all electrical modalities and electrical apparatus, **as required within the scope of the practitioner’s license** [INCLUDING DERMAL LIGHTS] for facials and skin-care purposes

(Eff. 2/28/88, Register 105; am 7/23/2000, Register 155; am 4/5/2018, Register 226; 12/6/2020, Register 236; am ___/___/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.090 AS 08.13.110

12 AAC 09.185(h) is amended to read:

(h) Upon completion of a course of training under this section, the trainee is eligible to take the appropriate examination in the license categories of tattooing, permanent cosmetic coloring, or body piercing. The trainer shall submit a certificate of student training form no later than **five** [30] days after the completion of training, documenting the theory hours and practical operations.

(Eff. 11/16/2004, Register 172; am 12/24/2006, Register 180; am 4/21/2010, Register 194; am 9/24/2014, Register 211; am 4/5/2018, Register 226; am 3/30/2019, Register 229; am ___/___/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.082

12 AAC 09.190(l) is repealed:

(l) Repealed ___/___/_____. [UPON COMPLETION OF A COURSE OF INSTRUCTION UNDER THIS SECTION, AN APPRENTICE IS ELIGIBLE TO TAKE THE

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APPROPRIATE EXAMINATION IN THE LICENSE CATEGORY OF BARBERING, NON-CHEMICAL BARBERING, HAIRDRESSING, OR ESTHETICS. THE INSTRUCTOR SHALL NOTIFY THE BOARD OF AN APPRENTICE COMPLETING THE COURSE OF INSTRUCTION NOT LATER THAN 30 DAYS AFTER THE COMPLETION BY SUBMITTING RECORDS OF APPRENTICESHIP IN ACCORDANCE WITH THIS SECTION.]

(Eff. 10/21/82, Register 84; am 8/12/87, Register 103; am 2/28/88, Register 105; am 5/20/88, Register 106; am 10/1/93, Register 127; am 4/23/98, Register 146; am 7/23/2000, Register 155; am 7/13/2002, Register 163; am 11/16/2004, Register 172; am 10/14/2006, Register 180; am 12/24/2006, Register 180; am 8/10/2012, Register 203; am 6/8/2016, Register 218; am 4/5/2018, Register 226; am 6/21/2018, Register 226; am 3/30/2019, Register 229; am 12/6/2020, Register 236; am ____/____/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.082

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE BOARD OF BARBERS AND HAIRDRESSERS

BRIEF DESCRIPTION: The Board of Barbers and Hairdressers proposes to update regulations regarding examination application requirements and fees no longer administered by the board; updating courtesy licenses for guest artists; simplifying requirements for out of state instructors; updating school and curriculum requirements for estheticians.

The Board of Barbers and Hairdressers (Board) proposes to adopt regulation changes in Title 12, Chapter 09 of the Alaska Administrative Code including the following:

1. **12 AAC 09.002. Review of license applications**, is proposed to be changed to amend certain application requirements, remove references to examination fees no longer administered by the board.
2. **12 AAC 09.004. Courtesy license**, is proposed to be amended allowing a guest artist practicing body piercing, tattooing, or permanent cosmetic coloring to apply for up to two courtesy licenses in a calendar year; and simplifying language relating sponsor requirements.
3. **12 AAC 09.005. Application for examination**, is proposed to be repealed and readopted to update the examination process no longer administered by the Board directly. .
4. **12 AAC 09.010. Examination Dates**, is proposed to be repealed as the board no longer sets the dates for examinations.
5. **12 AAC 09.075. Reexamination**, is proposed to be amended to correspond with the board no longer being responsible for setting examination dates.
6. **12 AAC 09.106. Instructor License Requirements**, is proposed to be changed by removing the requirements for out of state instructors to hold a license in AK before an application for instructor license submitted.
7. **12 AAC 09.162. Equipment for Esthetics Schools**, is proposed to be amended to remove the reference to dermal lights as available equipment for estheticians.
8. **12 AAC 09.163, Esthetics School curriculum**, is proposed to be amended to remove the reference to dermal lights as available equipment for estheticians.
9. **12 AAC 09.185. Trainees in body piercing, or tattooing and permanent cosmetic coloring**, is proposed to be amended, by updating the deadline to submit completed of training documentation from 30 days to 5 days, aligning this section to the requirements of others in the chapter.
10. **12 AAC 09.190. Apprentices of barbering, hairdressing, and esthetics**, is proposed to be amended to reflect the changes to 12 AAC 09.185, removing confusing language and clarifying the timeframe for submission of documents as being within 5 days of completion.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Alison Osborne, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at [http://notice.alaska.gov/\[-](http://notice.alaska.gov/) [---](#) [\]](#), and using the comment link. **The comments must be received not later than 4:30 p.m. on [** [---](#) [\]](#). Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Alison Osborne, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofBarbersHairdressers.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Alison Osborne at (907) 465-6826 or RegulationsAndPublicComment@alaska.gov, no later than [- - - - -], to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Alison Osborne at (907) 465-6826 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/BAH-0223.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.01.062; AS 08.13.030; AS 08.13.040; AS 08.13.070; AS 08.13.080; AS 08.13.082; AS 08.13.090; AS 08.13.100; AS 08.13.110; AS 08.13.180.

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.062; AS 08.13.030; AS 08.13.040; AS 08.13.070; AS 08.13.080; AS 08.13.082; AS 08.13.090; AS 08.13.100; AS 08.13.110; AS 08.13.180.

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: _____ [- - - -]

_____/s/
Alison Osborne, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

ADDITIONAL REGULATION NOTICE INFORMATION (AS 44.62.190(d))

- 1. Adopting agency:** Board of Barbers and Hairdressers – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
- 2. General subject of regulation:** update regulations regarding examination application requirements and fees no longer administered by the board; updating courtesy licenses for guest artists; simplifying requirements for out of state instructors; updating school and curriculum requirements for estheticians.

3. **Citation of regulation:** 12 AAC 09.002; 12 AAC 09.004; 12 AAC 09.005; 12 AAC 09.010; 12 AAC 09.075; 12 AAC 09.106; 12 AAC 09.162; 12 AAC 09.163; 12 AAC 09.185; 12 AAC 09.190.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: None known
Another state agency: None known.
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2023 or in subsequent years.
9. **The name of the contact person for the regulation:**
Cynthia Spencer
Occupational Licensing Examiner
Board of Barbers and Hairdressers
Division of Corporations, Business and Professional Licensing
Telephone: (907) 465-2591
E-mail: BoardofBarbersHairdressers@Alaska.Gov
10. **The origin of the proposed action:** Board of Barbers and Hairdressers.
11. **Date:** [] _____ **Prepared by:** _____ /s/ _____
Alison Osborne
Regulations Specialist

Department of Commerce, Community
and Economic Development

Division of Corporations, Business
and Professional Licensing

Board of Barbers and Hairdressers

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Fiscal Year 2023



Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing
P.O. Box 110806
Juneau, Alaska 99811-0806
Email: License@Alaska.Gov

Board of Barbers and Hairdressers
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Board of Barbers and Hairdressers
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Identification of the Board

Board Member	Duty Station	Date Appointed	Term Expires
Michelle McMullin Nail Technician, Chairperson	Anchorage	Mar 1, 2017	Mar 1, 2024
Connie Dougherty Hairdresser/Esthetician	Wasilla	Mar 1, 2021	Mar 1, 2024
Tina Taylor/VACANT Hairdresser	Soldotna	Mar 1, 2021	Mar 1, 2024
Khitsana Sypakanphay <small>Tattoo/Body Piercer/Permanent Cosmetic Cloring</small>	Anchorage	Jan 29, 2021	Mar 1, 2024
Glenda Ledford Barber	Wasilla	Mar 22, 2023	Mar 1, 2026
Breanna Hardy Public	North Pole	Mar 22, 2023	Mar 1, 2025
Kelsie McGraw/VACANT Industry Licensee	Wasilla	Aug 4, 2022	Mar 1, 2024

Board of Barbers and Hairdressers
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Identification of the Board (continued)

Board Member	Duty Station	Date Appointed	Term Expires

Board of Barbers and Hairdressers

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Identification of Staff

Cynthia Spencer - Licensing Examiner

Department of Commerce, Community & Economic Development

Division of Corporations, Business and Professional Licensing

P.O. Box 110806

Juneau, Alaska 99811-0806

(907) 465-2550

Wanda Whitcomb - Licensing Examiner

Department of Commerce, Community & Economic Development

Division of Corporations, Business and Professional Licensing

P.O. Box 110806

Juneau, Alaska 99811-0806

(907) 465-2550

Colleen Kautz - Program Coordinator/Supervisor

Department of Commerce, Community & Economic Development

Division of Corporations, Business and Professional Licensing

P.O. Box 110806

Juneau, Alaska 99811-0806

(907) 465-2550

Terry Ryals - Records and Licensing Supervisor

Department of Commerce, Community & Economic Development

Division of Corporations, Business and Professional Licensing

P.O. Box 110806

Juneau, Alaska 99811-0806

(907) 465-2550

Renee Carabajal - Program Coordinator/Supervisor

Department of Commerce, Community & Economic Development

Division of Corporations, Business and Professional Licensing

P.O. Box 110806

Juneau, Alaska 99811-0806

(907) 465-2550

Board of Barbers and Hairdressers

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Identification of Staff (continued)

June Maiquis - Regulation Specialist II
Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
P.O. Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

Alison Osborne - Regulation Specialist
Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
P.O. Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

Jennifer Summers - Senior Investigator
Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
P.O. Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

Michele Hearn - Investigator
Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
P.O. Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

Katrina Eldred - Probation Monitor
Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
P.O. Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

Board of Barbers and Hairdressers

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Identification of Staff

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Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
550 West 7th Avenue, Suite 1500
Anchorage, Alaska 99501-3567
(907) 269-8160

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Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
550 West 7th Avenue, Suite 1500
Anchorage, Alaska 99501-3567
(907) 269-8160

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Board of Barbers and Hairdressers

FY 2023 Annual Report

Identification of Staff (continued)

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Board of Barbers and Hairdressers

FY 2023 Annual Report

Narrative Statement

The board held a total of two of our three face to face zoom meetings during the fiscal year; the board has multiple vacancies and members having to resign for personal reasons. 2022 meetings were via Zoom video conference with our bill not being sponsored we did our zoom meetings without travel this last fiscal year. State investigators and division representatives were present during these meetings. In person meetings are still considered vital for our decision-making process and will be requested for meeting and legislative purposes.

The board presented a bill with five important statute change requests to the legislature. This bill was not picked up, and the inability to travel to Juneau made the situation difficult as the board was unable to communicate in person with legislators regarding the needed changes. The board is also expected to have future travel suspended and future meetings held either via video or teleconference due to proposed budget cuts.

The board worked very hard on a bill to change five statutes; this bill did not get picked up. The first statute change, removing "microneedling" from the tattoo definition, has significant health and safety concerns and the board obtained legal advice to change this. The next statute change, giving authority back for barbers to teach and practice hair braiding, had been removed as an unintentional consequence of passing SB4. The next statute, adding "current state of Alaska" to license verbiage, allows for clearer advice regarding the display of licenses. The other two are in line with right touch regulation and would allow the board to attend to the needs of licensees more efficiently by allowing people to get back to work without needless barriers. One pertains to cleaning up language that is confusing, outdated, and contradictory for temporary licenses, temporary shop licenses, and the allowance of conventions. The last statute change request is to allow the board to modify apprenticeship hours in regulation and create an apprenticeship program for an advanced manicurist endorsement. This change would allow the board to more adequately keep up with our fluid and changing professions. Right touch regulation training was provided, and the board immediately began using these new tools.

Discussion continues during board meetings and town hall meetings regarding the need to increase the length of time a licensed tattooist, body piercer, or permanent cosmetic colorist is required to hold an active license before taking on an apprentice. Currently, the body arts licensee must be licensed for one year, but the board would like to increase this to a minimum of three (or five) years before taking on an apprentice. This is a health and safety concern.

The board continues to recommend licensing examiners be present and to resume face to face meetings. It is the board's view that in person meetings are more productive than video or teleconference meetings.

A regulation project for the Dept. of Commerce, Community and Economic Development (DCCED) to begin salon/shop/studio inspections was begun and adopted during the May 11 – 12, 2020 meeting and will be transmitted to the lieutenant governor's office. The board continues to work with investigative staff to create a shop/salon checklist for annual inspections.

Regulation change suggestions for the Dept. of Environmental Conservation (DEC) to update 18 AAC 23 were decided during May 11th 12th 2020 and sent to our regulation specialist, the liaison between the board and the DEC. The board continues to support investigative staff and include them in board meetings. The board continues to encourage investigative staff to perform inspections across the state.

The board continues discussion regarding updating the esthetics curriculum to be more in line with national standards and to improve the professional quality of our licensees. The board continues to discuss ways to improve the health and safety of our communities and to provide more economic opportunities for licensees. The division continues to explore ways for applicants and licensees to submit documentation and applications online. Position statements to recognize issues in the community when regulatory authority is outside our purview.

The board continues to remove outdated study materials for the tattoo and permanent cosmetic color exams. We are now using online testing for all the licensees with the ability to test from home with adequate equipment from the testing companies' guidelines.

The board continues working with NIC and using NIC examinations for local testing for many license types. The board would like to continue to send local representation to the annual NIC convention to include one staff member as well as one board member. The information from these conventions assists the board in providing excellent service to our community members and licensees. The division and the board are not recommending any fee changes for applicants and licensees at this time removal of testing fees that licensees will pay directly to the testing company for their initial exams. Discussion continues about the practicality of mobile shops for special events and services, out of state tattoo and PCC schools, tattoo instructor's licenses, and online education.

The board created position statements on Barbers being allowed to teach hair braiding, also our positions on crazy hair, teeth gemming, esthetic practices and teeth whitening and are in the process of posting them to our website. The board continues to use position statements to recognize the issues in the community when regulatory authority is outside our purview.

Board of Barbers and Hairdressers
FY 2023 Annual Report

Narrative Statement (continued)

Board of Barbers and Hairdressers
FY 2023 Annual Report

Narrative Statement (continued)

Board of Barbers and Hairdressers

FY 2023 Annual Report

Budget Recommendations for FY 2024

Budget Recommendations section anticipates the board's fiscal priorities for the upcoming year. Please complete all parts of this section with details about anticipated meetings, conferences, memberships, supplies, equipment, to other board requests. Meeting expenses that are being funded through third-party reimbursement or direct booking must be identified separately from expenses paid through license fees (receipt-supported services or RSS). Be sure to explain any items listed as "other" so they may be tracked appropriately.

Board Meeting Date	Location	# Board	# Staff
October 2, 2023	Videoconference/Anchorage Office Conference Room	5	2
<input type="checkbox"/> Airfare:			
<input type="checkbox"/> Hotel:			
<input checked="" type="checkbox"/> Ground:			\$ 150.00
<input checked="" type="checkbox"/> Other: M & IE			\$ 100.00
Total Estimated Cost:			\$ 250.00

Board Meeting Date	Location	# Board	# Staff
January 18, 2024	Videoconference	5	2
<input type="checkbox"/> Airfare:			
<input type="checkbox"/> Hotel:			
<input type="checkbox"/> Ground:			
<input type="checkbox"/> Other:			
Total Estimated Cost:			\$ 0.00

Board Meeting Date	Location	# Board	# Staff
May 23, 2024	Videoconference	5	2
<input type="checkbox"/> Airfare:			
<input type="checkbox"/> Hotel:			
<input type="checkbox"/> Ground:			
<input type="checkbox"/> Other:			
Total Estimated Cost:			\$ 0.00

Board of Barbers and Hairdressers
FY 2023 Annual Report

Budget Recommendations for FY 2024 (continued)

Budget Recommendations section anticipates the board's fiscal priorities for the upcoming year. Please complete all parts of this section with details about anticipated meetings, conferences, memberships, supplies, equipment, to other board requests. Meeting expenses that are being funded through third-party reimbursement or direct booking must be identified separately from expenses paid through license fees (receipt-supported services or RSS). Be sure to explain any items listed as "other" so they may be tracked appropriately.

Board Meeting Date	Location	# Board	# Staff
<input type="checkbox"/> Airfare: <input type="checkbox"/> Hotel: <input type="checkbox"/> Ground: <input type="checkbox"/> Other:			
Total Estimated Cost:			\$ 0.00

Board Meeting Date	Location	# Board	# Staff
<input type="checkbox"/> Airfare: <input type="checkbox"/> Hotel: <input type="checkbox"/> Ground: <input type="checkbox"/> Other:			
Total Estimated Cost:			\$ 0.00

Board Meeting Date	Location	# Board	# Staff
<input type="checkbox"/> Airfare: <input type="checkbox"/> Hotel: <input type="checkbox"/> Ground: <input type="checkbox"/> Other:			
Total Estimated Cost:			\$ 0.00

Board of Barbers and Hairdressers

FY 2023 Annual Report

Budget Recommendations for FY 2024 (continued)

Travel Required to Perform Examinations

Not Applicable

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

- Airfare:
- Hotel:
- Ground:
- Conference:
- Other:

Total Estimated Cost: \$ 0.00

Travel Required to Perform Examinations

Not Applicable

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

- Airfare:
- Hotel:
- Ground:
- Conference:
- Other:

Total Estimated Cost: \$ 0.00

Board of Barbers and Hairdressers

FY 2023 Annual Report

Budget Recommendations for FY 2024 (continued)

Out-of-State Meetings and Additional In-State Travel (Rank in order of importance)

#1 Rank in Importance or Not Applicable

Date	Location	# Board	# Staff
October 27 - 30, 2023	Albuquerque, nm	1	1

Description of meeting and its role in supporting the mission of the Board:

Attendance of this annual National Interstate Council of State Boards of Cosmetology (NIC) Annual Conference allows for the gathering of information on other state licensure requirements, statutory/regulatory updates or changes, informational exchange, addressing common state board licensing issues, sharing of databases. The gain of information and knowledge on new techniques, equipment and industry standard changes which may affect Alaska and require changes in regulations, license requirements, etc. This is typically a four-day meeting. NIC travel estimate 1.5 days pre & post travel based on flight schedules.

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input checked="" type="checkbox"/> Airfare:	\$1,205.16	\$0.00	\$0.00	\$1,205.16
<input checked="" type="checkbox"/> Hotel:	\$1,780.00	\$0.00	\$0.00	\$1,780.00
<input checked="" type="checkbox"/> Ground:	\$40.00	\$0.00	\$0.00	\$40.00
<input checked="" type="checkbox"/> Conference:	\$900.00	\$0.00	\$0.00	\$900.00
<input checked="" type="checkbox"/> Other	\$520.00	\$0.00	\$0.00	\$520.00
Describe "Other" (break out all sections): Meals not provided				
Net Total:	\$ 4,445.16	\$ 0.00	\$ 0.00	\$ 4,445.16

Board of Barbers and Hairdressers

FY 2023 Annual Report

Budget Recommendations for FY 2024 (continued)

Out-of-State Meetings and Additional In-State Travel

#2 Rank in Importance

Date	Location	# Board	# Staff
Spring 2024	TBD	1	1

Description of meeting and its role in supporting the mission of the Board:

Attendance of this annual National Interstate Council of State Boards of Cosmetology (NIC) Regional & Administrators meeting allows for the gathering of information on other state licensure requirements, statutory/regulatory updates or changes, informational exchange, addressing common state board licensing issues, sharing of databases. The gain of information and knowledge on new techniques, equipment and industry standard changes which may affect Alaska and require changes in regulations, license requirements, etc. This is typically a four-day meeting. NIC travel estimate 1.5 days pre & post travel.

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input type="checkbox"/> Airfare:	\$2,000.00	\$0.00	\$0.00	\$2,000.00
<input type="checkbox"/> Hotel:	\$1,800.00	\$0.00	\$0.00	\$1,800.00
<input type="checkbox"/> Ground:	\$50.00	\$0.00	\$0.00	\$50.00
<input type="checkbox"/> Conference:	\$900.00	\$0.00	\$0.00	\$900.00
<input type="checkbox"/> Other	\$400.00	\$0.00	\$0.00	\$400.00
Describe "Other" (break out all sections): Meals not provided				
Net Total:	\$ 5,150.00	\$ 0.00	\$ 0.00	\$ 5,150.00

Board of Barbers and Hairdressers

FY 2023 Annual Report

Budget Recommendations for FY 2024 (continued)

Out-of-State Meetings and Additional In-State Travel

#3 Rank in Importance

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input type="checkbox"/> Airfare:				\$0.00
<input type="checkbox"/> Hotel:				\$0.00
<input type="checkbox"/> Ground:				\$0.00
<input type="checkbox"/> Conference:				\$0.00
<input type="checkbox"/> Other				\$0.00
Describe "Other" (break out all sections):				
Net Total:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Board of Barbers and Hairdressers

FY 2023 Annual Report

Budget Recommendations for FY 2024 (continued)

Out-of-State Meetings and Additional In-State Travel

#4 Rank in Importance

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input type="checkbox"/> Airfare:				\$0.00
<input type="checkbox"/> Hotel:				\$0.00
<input type="checkbox"/> Ground:				\$0.00
<input type="checkbox"/> Conference:				\$0.00
<input type="checkbox"/> Other				\$0.00
Describe "Other" (break out all sections):				
Net Total:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Board of Barbers and Hairdressers

FY 2023 Annual Report

Budget Recommendations for FY 2024 (continued)

Out-of-State Meetings and Additional In-State Travel

#5 Rank in Importance

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input type="checkbox"/> Airfare:				\$0.00
<input type="checkbox"/> Hotel:				\$0.00
<input type="checkbox"/> Ground:				\$0.00
<input type="checkbox"/> Conference:				\$0.00
<input type="checkbox"/> Other				\$0.00
Describe "Other" (break out all sections):				
Net Total:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Board of Barbers and Hairdressers

FY 2023 Annual Report

Budget Recommendations for FY 2024 (continued)

Out-of-State Meetings and Additional In-State Travel

#6 Rank in Importance

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input type="checkbox"/> Airfare:				\$0.00
<input type="checkbox"/> Hotel:				\$0.00
<input type="checkbox"/> Ground:				\$0.00
<input type="checkbox"/> Conference:				\$0.00
<input type="checkbox"/> Other				\$0.00
Describe "Other" (break out all sections):				
Net Total:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Board of Barbers and Hairdressers

FY 2023 Annual Report

Budget Recommendations for FY 2024 (continued)

Out-of-State Meetings and Additional In-State Travel

#7 Rank in Importance

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input type="checkbox"/> Airfare:				\$0.00
<input type="checkbox"/> Hotel:				\$0.00
<input type="checkbox"/> Ground:				\$0.00
<input type="checkbox"/> Conference:				\$0.00
<input type="checkbox"/> Other				\$0.00
Describe "Other" (break out all sections):				
Net Total:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Board of Barbers and Hairdressers

FY 2023 Annual Report

Budget Recommendations for FY 2024 (continued)

Out-of-State Meetings and Additional In-State Travel

#8 Rank in Importance

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input type="checkbox"/> Airfare:				\$0.00
<input type="checkbox"/> Hotel:				\$0.00
<input type="checkbox"/> Ground:				\$0.00
<input type="checkbox"/> Conference:				\$0.00
<input type="checkbox"/> Other				\$0.00
Describe "Other" (break out all sections):				
Net Total:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Board of Barbers and Hairdressers

FY 2023 Annual Report

Budget Recommendations for FY 2024 (continued)

Out-of-State Meetings and Additional In-State Travel

#9 Rank in Importance

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input type="checkbox"/> Airfare:				\$0.00
<input type="checkbox"/> Hotel:				\$0.00
<input type="checkbox"/> Ground:				\$0.00
<input type="checkbox"/> Conference:				\$0.00
<input type="checkbox"/> Other				\$0.00
Describe "Other" (break out all sections):				
Net Total:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Board of Barbers and Hairdressers

FY 2023 Annual Report

Budget Recommendations for FY 2024 (continued)

Out-of-State Meetings and Additional In-State Travel

#10 Rank in Importance

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input type="checkbox"/> Airfare:				\$0.00
<input type="checkbox"/> Hotel:				\$0.00
<input type="checkbox"/> Ground:				\$0.00
<input type="checkbox"/> Conference:				\$0.00
<input type="checkbox"/> Other				\$0.00
Describe "Other" (break out all sections):				
Net Total:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Board of Barbers and Hairdressers
FY 2023 Annual Report

Budget Recommendations for FY 2024 (continued)

Non-Travel Budget Requests

- Not Applicable Resources Examinations
 Membership Training Other

Product or Service	Provider	Cost Per Event
National Interstate Council of State Boards of Cosmetology (NIC)	NIC	\$310.00

Description of item and its role in supporting the mission of the Board:

Annual membership dues. Being a member of NIC allows the board to keep current with National standards and practices; allows the use of the NIC written examinations, access to National Database for license verification/certifications which allows member States an ease of sharing license information (verifications/certifications).

Non-Travel Budget Requests

- Not Applicable Resources Examinations
 Membership Training Other

Product or Service	Provider	Cost Per Event

Description of item and its role in supporting the mission of the Board:

Non-Travel Budget Requests

- Not Applicable Resources Examinations
 Membership Training Other

Product or Service	Provider	Cost Per Event

Description of item and its role in supporting the mission of the Board:

Board of Barbers and Hairdressers

FY 2023 Annual Report

Budget Recommendations for FY 2024 (continued)

Other Items with a Fiscal Impact

Not Applicable

Cost Per Event:

Number of Events:

Product or Service	Provider	Cost Per Event

Description of item and its role in supporting the mission of the Board:

Other Items with a Fiscal Impact

Not Applicable

Cost Per Event:

Number of Events:

Product or Service	Provider	Cost Per Event

Description of item and its role in supporting the mission of the Board:

Other Items with a Fiscal Impact

Not Applicable

Cost Per Event:

Number of Events:

Product or Service	Provider	Cost Per Event

Description of item and its role in supporting the mission of the Board:

Board of Barbers and Hairdressers
FY 2023 Annual Report

Budget Recommendations for FY 2024 (continued)

Other Items with a Fiscal Impact

Not Applicable

Cost Per Event:

Number of Events:

Product or Service	Provider	Cost Per Event

Description of item and its role in supporting the mission of the Board:

Other Items with a Fiscal Impact

Not Applicable

Cost Per Event:

Number of Events:

Product or Service	Provider	Cost Per Event

Description of item and its role in supporting the mission of the Board:

Summary of FY 2024 Fiscal Requests

Board Meetings and Teleconferences:	\$250.00
Travel for Exams:	\$0.00
Out-of-State and Additional In-State Travel:	\$9,595.16
Dues, Memberships, Resources, Training:	\$310.00
Total Potential Third-Party Offsets:	- \$ 0.00
Other:	\$0.00
Total Requested:	\$10,155.16

Legislative Recommendations - Proposed Legislation for FY 2024

No Recommendations

The Board has no recommendations for proposed legislation at this time.

Recommendations

The Board has the following recommendations for proposed legislation:

Sec. 08.13.220

Remove “microneedling” from the definition of tattooing. This is a medical procedure and the board received legal advice to remove this from the definition.

Sec 08.13.080 and Sec 08.13.160

Add section to allow barbers and non-chemical barbers to practice and teach hair braiding as they were allowed to do before the unintentional consequence of SB4 allowed hairdressers however not barbers or non-chemical barbers to perform this service.

Sec 08.13.082

Allow for apprenticeship hours and other specifications of apprenticeships to be in regulations rather than statute to allow for the changing and dynamic industries we regulate. Also allowing apprenticeship for advanced endorsement of manicuring.

Sec. 08.13.120

Update this section, cleaning up language that is confusing, outdated, and contradictory for temporary licenses, temporary shop licenses, and the allowance of conventions.

Sec. 08.13.130

Adding “current state of Alaska” to the display of license or permits. Recommend the Legislature pass legislation to raise the hour requirement for Manicurists from 12-hours to 250-hours of training, plus passage of a written examination, to be eligible for licensure with the allowances for grandfathering.

Sec 08.13.160(g)

Adding: A person licensed by under this chapter to practice barbering or non-chemical barbering is considered to be licensed to practice hair braiding under the same license.

The board will continue to work and draft legislation as needed to meet industry changes and industry needs.

Board of Barbers and Hairdressers
FY 2023 Annual Report

Legislative Recommendations (continued)

Board of Barbers and Hairdressers

FY 2023 Annual Report

Regulation Recommendations - Proposed Regulations for FY 2024

No Recommendations

The Board has no recommendations for proposed regulations at this time.

Recommendations

The Board has the following recommendations for proposed regulations:

12 AAC 09.160(a)(c); 12 AAC 09.161(a)(c); 12 AAC 09.097

Change regulation to allow barbers and non-chemical barbers to continue practicing and teaching hair braiding. An unintentional change during SB4 legislation and the regulation changes the accompany it only state that hairdressers are able to practice and teach hair braiding. Barber and non-chemical barbers are taught braiding and have been practicing and teaching braiding. We would like to make sure they are able to continue this practice.

12 AAC 09.185

As a result of comments from town hall meetings as well as several board meeting discussions, the board discussed increasing the length of time from one to a minimum of three years for a licensed tattooist, body piercer, or permanent cosmetic colorist to take on an apprentice. This has been a concern of the public and would help increase the health and safety of our communities.

12 AAC 09.004; 12 AAC 09.112

Clarify language relating to temporary shop licenses, courtesy licenses, and conventions once legal advice that was requested is relayed back to the board. The language surrounding this topic is vague and difficult to interpret. The growing industries are adapting to conventions where commerce is the main goal rather than demonstrating techniques to other professionals.

12 AAC 09.163

Update the esthetics curriculum to a more national standard after adequate research and discussion is reached by the board. After taking in suggestions from town hall meetings and information brought back from the NIC conventions, the board would like to update the esthetics curriculum to better serve the health and safety as well as professional quality of these licensees.

The board will continue to work and draft regulations as needed to meet industry changes and industry needs.

12 AAC 09.004 Courtesy License

Change from one courtesy license in a calendar year to two courtesy licenses in a calendar year. This change will allow additional opportunities for out of state artists to attend multiple events occurring in Alaska. The number of special events in Alaska has been growing over the last several years from one per year to a minimum of two per year.

12 AAC 09.185(h) Trainees in Body Piercing, Tattooing, or Permanent Cosmetic Coloring.

Eliminating conflicting completion of training documentation submission requirements.

12 AAC 09.190(l) Apprentices of Barbering, Non-Chemical Barbering, Hairdressing, and Esthetics

Eliminating conflicting completion of training documentation submission requirements.

12 AAC 09.002(j) and 12 AAC 09.106(d) - Instructor by Waiver of Examination

Removes requirements for out of state instructors to hold an individual aspect (barber, hairdresser, etc.) license in AK before an application for instructor license submitted. Currently, instructors by waiver of exam must first obtain an individual aspect license; costs for this on AK side is \$330.00, however this does not include additional VOL and transcript costs to applicant. Once individual aspect license is issued, the individual may then apply for an instructor license; AK costs are \$410.00, however this does not include additional VOL and transcript costs to applicant.

12 AAC 09

Clean up/removal of written examination deadlines and fees. Effective October 1, 2022, the board moved to computerized/on-line written examination administration through Prov. Candidates must submit applications to the division and be approved to test; however, examination fees, postponement fees, and examination scheduling are now done through Prov.

Board of Barbers and Hairdressers
FY 2023 Annual Report

Regulation Recommendations (continued)

Board of Barbers and Hairdressers

FY 2023 Annual Report

Goals and Objectives

Part I

FY 2023's goals and objectives and how they were met:

Conduct three one-day, face-to-face meetings, one of which will be scheduled to coincide with the first week of legislative session (January), and teleconferences, as needed.

Two of our three board meetings were conducted with vacancies in our board and resignation of members for personal reasons. Both meetings were held via zoom and request for face-to-face meeting is still ongoing.

Continue to have an operating budget so the board can more efficiently accomplish goals. This includes having a member of the division present during board meetings and conducting meetings face to face.

The board historically has been very strong about maintaining this goal; however, with the new budget proposal, travel for the division member and board members are at risk of being denied. It is important to the board to have meetings face to face where goals can be accomplished and at a more efficient rate.

Have representation on the national level.

The board continues to maintain representation at a national level.

Including sending the board appointed member and staff to the National Interstate Council of State Boards annual conference which is highly valuable to regulating our professions. In the past years, travel has not been allowed due to travel restrictions. The board has requested travel to the NIC national convention.

Continue to be attentive to the school and instructor responsibilities to the student (i.e., applications and record keeping filed in a timely manner).

The board will continue to be attentive to the school and instructor responsibilities to the student by addressing ongoing issues as they arise, holding town hall meetings, suggesting legislation change and updating regulations to keep up with the growing industry. Removing practical exams and offering online testing for our written exams has created an environment suitable for licensees and future licensees to be in the workforce with more efficient times.

Taking steps to educate the legislature on the concerns of our profession (i.e., sanitation and public safety).

The board will continue to take steps to educate the legislature on the serious concerns of our profession.

Continue to have increased investigative staff time to address the complaints and concerns of the public.

The board recognizes that increased investigative staff time has been allowed for follow through on complaints, open cases, and current investigative issues. This has greatly alleviated many complaints being received. Ongoing investigative staff time will be needed for public safety. A hardship to continue with and increase excellent investigative staff is the new budget proposal which is suggesting changes to the internal structure of investigations as well as potentially declining the board's suggestion for increased investigative staffing.

Supported staff for licensing to properly handle the growing volume of licenses, apprentice, and student paperwork.

The board will continue supporting the department's addition of another full-time licensing examiner. The board hired an additional licensing examiner in January 2021. With the legislative change eliminating the practical exam and requiring a proficiency exam at the school level, some of the workload on licensing examiners has been lifted.

Update service and practices of estheticians to meet current industry standards and practices.

The board continues to make this issue a priority. Board members have reached out to state representatives on changes to the regulation of esthetician training to bring this up to industry standards. Discussion about an advanced esthetic license is on the agenda.

Increase the length of time licensed as a tattooist or permanent cosmetic colorist from one year to a minimum of three years before taking on apprentices.

The board will continue to increase the health and safety practices in our communities as well as take advice from community members during town hall meetings.

The board be given authority to create and edit licensing requirements they regulate for each of the professions.

Currently, specific criteria for the majority of licenses are written in legislation requiring a lengthy and consuming process to stay current with our growing and changing industries. The board would like to see a legislation change to set certain criteria for our professions in regulation and will continue to better serve the health and safety of our communities by doing so.

Increase the 12-hour manicuring license to bring it up to national standards as well as protect our community members by ensuring the health and safety of this industry.

The board is currently communicating with representatives on how to make changes to regulation to allow the board members to oversee the training requirements for licensees. The board is working to have legislation changes to have this authority moved to regulation giving the board the ability to set the standards for training requirements for students and apprentices.

Board of Barbers and Hairdressers

FY 2023 Annual Report

Goals and Objectives (continued)

Part I (continued)

FY 2023's goals and objectives and how they were met:

Board of Barbers and Hairdressers

FY 2023 Annual Report

Goals and Objectives (continued)

Part II

FY 2024's goals and objectives, and proposed methods to achieve them.

Describe any strengths, weaknesses, opportunities, threats and required resources:

1. Conduct three one-day, face-to-face meetings, one of which will be scheduled to coincide with the first week of legislative session (January), and teleconferences, as needed.

Historically, the board has met this goal. This last year with vacancies and resignations we only had 2 meetings conducted and no travel with our legislative changes not being picked up.

2. Continue to have an operating budget so the board can more efficiently accomplish goals. This includes having a member of the division present during board meetings.

The board historically has been very strong about maintaining this goal. It is important to the board to have meetings face to face where goals can be accomplished and at an efficient rate.

3. Have representation on the national level.

The board continues to maintain representation at a national level including sending the board appointed member and staff to the National Interstate Council of State Boards annual conference which is highly valuable to regulating our professions. This may be at risk due to budgetary issues.

4. Supported staff for licensing to properly handle the growing volume of licenses, apprentice, and student paperwork.

The board will continue supporting the department's addition of another full-time licensing examiner.

5. Update service and practices of estheticians to meet current industry standards and practices.

The board continues to make this issue a priority. Board members have reached out to state representatives on changes to the regulation of esthetician training to bring this up to industry standards.

6. Increase the length of time licensed as a tattooist or permanent cosmetic colorist from one year to a minimum of three years before taking on apprentices.

The board will continue to increase the health and safety practices in our communities, as well as take advice from community members during town hall meetings.

7. The board be given authority to create and edit licensing requirements they regulate for each of the professions.

Currently specific criteria for the majority of licenses are written in legislation requiring a lengthy and consuming process to stay current with our growing and changing industries. The board would like to see a legislation change to set certain criteria for our professions in regulation and will continue to better serve the health and safety of our communities by doing so.

8. Increase the 12-hour manicuring license to bring it up to national standards as well as protect our community members by ensuring the health and safety of this industry.

The board is currently communicating with representatives on how to make changes to regulation to allow the board members to oversee the training requirements for licensees. The board is working to have legislation changes to have this authority moved to regulation giving the board the ability to set the standards for training requirements for students and apprentices.

Board of Barbers and Hairdressers

FY 2023 Annual Report

Goals and Objectives (continued)

Part II (continued)

FY 2024's goals and objectives, and proposed methods to achieve them.

Describe any strengths, weaknesses, opportunities, threats and required resources:

Board of Barbers and Hairdressers

FY 2023 Annual Report

Sunset Audit Recommendations

Date of Last Legislative Audit: 04/18/2018

Board Sunset Date: 06/30/2027

Audit Recommendation:

The board received no new recommendations.

Action Taken:

N/A

Next Steps:

N/A

Completed: No Yes

If yes, date completed:

Audit Recommendation:

Action Taken:

Next Steps:

Completed: No Yes

If yes, date completed:

Audit Recommendation:

Action Taken:

Next Steps:

Completed: No Yes

If yes, date completed:

Sunset Audit Recommendations (continued)

Audit Recommendation:

Action Taken:

Next Steps:

Completed: No Yes

If yes, date completed:

Audit Recommendation:

Action Taken:

Next Steps:

Completed: No Yes

If yes, date completed:

Audit Recommendation:

Action Taken:

Next Steps:

Completed: No Yes

If yes, date completed:

Sunset Audit Recommendations (continued)

Audit Recommendation:

Action Taken:

Next Steps:

Completed: No Yes

If yes, date completed:

Audit Recommendation:

Action Taken:

Next Steps:

Completed: No Yes

If yes, date completed:

Audit Recommendation:

Action Taken:

Next Steps:

Completed: No Yes

If yes, date completed: